

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) KIMIESHA HILL,)
(2) JASON GARNETT, and)
(3) KIARA McCORKLE, on behalf of)
themselves and all others similarly situated,)

Plaintiffs,)

vs.)

Case No. CIV-21-97-SLP

(1) TOWN OF VALLEY BROOK,)
(2) VALLEY BROOK MUNICIPAL COURT,)
(3) LEWIS NIEMAN, Mayor of Valley Brook,)
in his official capacity,)
(4) STEPHEN HAYNES, Municipal Judge,)
in his official and individual capacity,)
(4) MICHAEL STAMP, Chief of Valley Brook)
Police Department, in his official capacity, and)
(5) VALLEY BROOK POLICE)
DEPARTMENT,)

Defendants.)

**DEFENDANTS, TOWN OF VALLEY BROOK, LEWIS NIEMAN, STEPHEN
HAYNES AND MICHAEL STAMP’S, MOTION FOR EXTENSION OF TIME**

Defendants, Town of Valley Brook (the “Town”) and Stephen Haynes (“Haynes”) (collectively, the “Defendants”), request that the deadline to produce the electronic files of Rule 8 hearings be extended to Wednesday, April 12, 2023. In support, Defendants state the following.

1. On March 24, 2023, this Court entered an order compelling all Defendants to produce certain documents (the “Order”) (Dkt. No. 81). The Order required production of all electronic files within 15 days.

2. Defendants have produced the following documents: (1) electronic version of docket sheets, (2) electronic daily reports, (3) police policies and procedures manual, (4) CLEET training records, (5) electronic report form 2017 – 2022 showing outstanding fees and costs, (6) electronic report from 2017 – 2022 showing individuals who have paid fees and costs, (7) electronic report showing individuals who received a deferred sentence or given community service, (8) all electronic records regarding the named Plaintiffs, and (9) corrected copies of the Town Citation List previous produced.

3. Defendants also advised Plaintiffs if there were no responsive documents or if such documents only existed in paper format¹.

4. Among the items required to be produced were recordings of Rule 8 hearings. The Rule 8 hearings are recorded by Defendant Haynes on his telephone.

5. On April 10, 2023, Defendant Haynes produced his telephone in the undersigned's office.

6. Defendant Haynes' telephone contains the following recordings:

	Date of Hearing	Length
1	12/28/22	4 hours 50 minutes
2	12/21/22	1 hour 4 minutes
3	12/14/22	1 hour 11 minutes
4	12/7/22	1 hour 16 minutes
5	11/30/22	45 minutes 23 seconds
6	11/16/22	52 minutes 24 seconds
7	11/9/22	38 minutes 33 seconds
8	11/2/22	1 hour 26 minutes
9	10/26/22	37 minutes 5 seconds
10	10/19/22	53 minutes 34 seconds
11	10/12/22	46 minutes 34 seconds

¹ Pursuant to the Order, paper copies are to be produced no later than April 18, 2023.

12	10/5/22	50 minutes 9 seconds
13	9/28/22	1 hour 19 minutes
14	9/21/22	1 hour 22 minutes
15	9/14/22	39 minutes 16 seconds
16	8/24/22	2 hours 12 minutes
17	8/17/22	55 minutes 36 seconds
18	8/10/22	19 minutes 55 seconds
19	8/3/22	1 hour 31 minutes
20	7/27/22	1 hour 34 minutes
21	7/20/22	1 hour 7 minutes
22	7/13/22	47 minutes 41 seconds
23	7/6/22	49 minutes 32 seconds, 1 hour 25 minutes
24	6/29/22	38 minutes 39 seconds
25	6/22/22	47 minutes 40 seconds
26	6/15/22	21 minutes 6 seconds
27	6/8/22	1 hour 15 minutes
28	5/18/22	32 minutes 58 seconds
29	5/11/22	4 hours 4 minutes
30	5/4/22	1 hour 23 minutes
31	4/27/22	20 minutes 6 seconds
32	4/20/22	18 minutes 44 seconds, 18 minutes 44 seconds, 57 minutes 4 seconds
33	4/13/22	1 hour 48 minutes
34	4/6/22	36 minutes 28 seconds
35	3/23/22	26 minutes 51 seconds
36	3/16/22	40 minutes 59 seconds
37	3/2/22	42 minutes 39 seconds
38	2/16/22	24 minutes 51 seconds, 16 minutes 12 seconds
39	2/9/22	16 minutes 12 seconds
40	1/26/22	34 minutes 57 seconds
41	1/19/22	25 minutes 45 seconds
42	1/12/22	49 minutes 53 seconds
43	1/5/22	34 minutes 21 seconds
44	12/15/21	46 minutes 43 seconds
45	12/8/21	1 hour 27 minutes
46	12/1/21	1 hour 31 minutes
47	11/10/21	1 hour 6 minutes
48	11/3/21	41 minutes 20 seconds
49	10/27/21	1 hour 31 seconds
50	10/20/21	1 hour 4 minutes
51	10/6/21	31 minutes 51 seconds

52	9/29/21	2 hours 41 minutes
53	9/22/21	40 minutes 54 seconds
54	9/15/21	30 minutes 56 seconds
55	9/8/21	19 minutes 28 seconds
56	8/25/21	1 hour 35 minutes
57	8/18/21	28 minutes 39 seconds
58	8/11/21	1 hour 38 minutes
59	7/28/21	3 minutes 37 seconds
60	7/21/21	16 minutes 22 seconds
61	7/14/21	26 minutes 41 seconds
62	7/7/21	2 hours 58 minutes
63	6/23/21	39 minutes 12 seconds
64	6/16/21	25 minutes 41 seconds
65	6/9/21	38 minutes 42 seconds
66	6/2/21	41 minutes 41 seconds
67	5/26/21	52 minutes 2 seconds
68	5/19/21	43 minutes 3 seconds
69	5/12/21	1 minute 57 seconds, 1 minute 18 seconds
70	5/8/21	1 hour 28 minutes
71	4/14/21	18 minutes 13 seconds
72	3/10/21	1 hour 17 minutes
73	2/24/21	48 minutes 34 seconds
74	2/3/21	5 minutes 53 seconds
75	1/20/21	44 minutes 48 seconds
76	10/21/20	43 minutes 34 seconds
77	9/9/20	10 minutes 58 seconds
78	10/16/19	3 minutes 29 seconds
79	7/3/19	13 minutes 10 seconds

7. Despite multiple attempts to download the files from the device, the recordings could not be safely transferred.

8. Defendants advised Plaintiffs of this issue late on April 10, 2023.

9. Defendant Haynes is able to deliver his telephone to Plaintiffs' local counsel's office on Tuesday, April 11, 2023, for inspection.

10. Counsel for Defendants have also been working with their digital forensics

team to retrieve the information as soon as possible while ensuring the data is safely transferred. The retrieval process will also begin tomorrow morning. After the files are retrieved, they will be produced to opposing counsel. It is anticipated that retrieval will take 24 – 36 hours.

11. Defendants ask that they be given two additional days, or until Wednesday, April 12, 2023, to produce the recordings of the Rule 8 hearings.

12. It is unknown if Plaintiffs object to this request.

13. This request will not impact the deadline to produce additional documents by April 18, 2023.

WHEREFORE Defendants request that they be given until Wednesday, April 12, 2023, to produce the Rule 8 recordings.

Respectfully submitted,

s/Courtney D. Powell

Andrew W. Lester, OBA No. 5388
Shannon F. Davies, OBA No. 13565
Courtney D. Powell, OBA No. 19444
Anthony J. Ferate, OBA No. 21171
Spencer Fane LLP
9400 N. Broadway Extension, Suite 600
Oklahoma City, Oklahoma 73114-7423
Telephone: (405) 844-9900
Facsimile: (405) 844-9958
alester@spencerfane.com
sdavies@spencerfane.com
cpowell@spencerfane.com
ajferate@spencerfane.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted a copy of the above document to the following individuals on the 10th day of April, 2023.

Woodrow K. Glass	woody@wardglasslaw.com
Arthur Ago	aago@lawyerscommittee.org
Tianna Mays	tmays@lawyerscommittee.org
Jason A. Leckerman	leckermanj@ballardspahr.com
Lisa Swaminathan	swaminathanl@ballardspahr.com
Izabella Babchinetskaya	babchinetskaya@ballardspahr.com

s/Courtney D. Powell